

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1926

To amend the Food Stamp Act of 1977 to modify the requirements relating to monthly reporting and staggered issuance of coupons for households residing on Indian reservations, to ensure adequate access to retail food stores by food stamp households, and to maintain the integrity of the food stamp program, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 11 (legislative day, FEBRUARY 22), 1994

Mr. PRESSLER (for himself and Mr. LEAHY) introduced the following bill;  
which was read twice, considered, read the third time and passed

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## A BILL

To amend the Food Stamp Act of 1977 to modify the requirements relating to monthly reporting and staggered issuance of coupons for households residing on Indian reservations, to ensure adequate access to retail food stores by food stamp households, and to maintain the integrity of the food stamp program, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Food Stamp Program  
5   Improvements Act of 1994”.

1 **TITLE I—REPORTING AND STAG-**  
2 **GERED ISSUANCE FOR**  
3 **HOUSEHOLDS ON RESERVA-**  
4 **TIONS**

5 **SEC. 101. BUDGETING AND MONTHLY REPORTING ON RES-**  
6 **ERVATIONS.**

7 (a) IN GENERAL.—Section 6(c)(1) of the Food  
8 Stamp Act of 1977 (7 U.S.C. 2015(c)(1)) is amended—

9 (1) in subparagraph (A)—

10 (A) by striking clause (ii); and

11 (B) by redesignating clauses (iii) and (iv)  
12 as clauses (ii) and (iii), respectively; and

13 (2) by adding at the end the following new sub-  
14 paragraph:

15 “(C) A State agency may require periodic re-  
16 porting on a monthly basis by households residing  
17 on a reservation only if—

18 “(i) the State agency reinstates benefits,  
19 without requiring a new application, for any  
20 household residing on a reservation that sub-  
21 mits a report not later than 1 month after the  
22 end of the month in which benefits would other-  
23 wise be provided;

24 “(ii) the State agency does not delay, re-  
25 duce, suspend, or terminate the allotment of a

1 household that submits a report not later than  
 2 1 month after the end of the month in which  
 3 the report is due;

4 “(iii) on the date of enactment of this sub-  
 5 paragraph, the State agency requires house-  
 6 holds residing on a reservation to file periodic  
 7 reports on a monthly basis; and

8 “(iv) the certification period for households  
 9 residing on a reservation that are required to  
 10 file periodic reports on a monthly basis is 2  
 11 years, unless the State demonstrates just cause  
 12 to the Secretary for a shorter certification  
 13 period.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) The second sentence of section 3(c) of such  
 16 Act (7 U.S.C. 2012(c)) is amended by striking  
 17 “For” and inserting “Except as provided in section  
 18 6(c)(1)(C), for”.

19 (2) Section 5(f)(2)(C) of such Act (7 U.S.C.  
 20 2014(f)(2)(C)) is amended by striking “clauses (i),  
 21 (ii), (iii), and (iv)” and inserting “clauses (i), (ii),  
 22 and (iii)”.

23 **SEC. 102. STAGGERED ISSUANCES ON RESERVATIONS.**

24 Section 7(h)(1) of the Food Stamp Act of 1977 (7  
 25 U.S.C. 2016(h)(1)) is amended by striking the second sen-

1 tence and inserting the following new sentence: “Upon the  
2 request of the tribal organization that exercises govern-  
3 mental jurisdiction over the reservation, the State agency  
4 shall stagger the issuance of benefits for eligible house-  
5 holds located on reservations for at least 15 days of a  
6 month.”.

7 **SEC. 103. GAO STUDY AND REPORT ON ADMINISTRATION**  
8 **OF FOOD STAMP PROGRAM BY TRIBAL ORGA-**  
9 **NIZATIONS.**

10 (a) STUDY.—The Comptroller General of the United  
11 States shall conduct a study of the feasibility and desir-  
12 ability of—

13 (1) increasing the opportunity for a tribal orga-  
14 nization of an Indian tribe to administer the food  
15 stamp program established under the Food Stamp  
16 Act of 1977 (7 U.S.C. 2011 et seq.) in connection  
17 with members of the tribe by—

18 (A) modifying the requirements established  
19 under sections 3(n)(2) and 11(d) of such Act (7  
20 U.S.C. 2012(n)(2) and 2020(d));

21 (B) modifying or eliminating the cost-shar-  
22 ing requirements established for the tribal orga-  
23 nization under section 16(a) of such Act (7  
24 U.S.C. 2025); and

1 (C) taking such other actions as the Comp-  
2 troller General considers appropriate; and

3 (2) permitting the tribal organization to estab-  
4 lish reasonable and appropriate requirements with  
5 respect to issuance, reporting, and certification re-  
6 quirements under the food stamp program for mem-  
7 bers of the tribe.

8 (b) REPORT.—Not later than December 1, 1994, the  
9 Comptroller General shall report the results of the study  
10 required under subsection (a) to the Committee on Agri-  
11 culture, and the Subcommittee on Native American Af-  
12 fairs of the Committee on Natural Resources, of the  
13 House of Representatives, and the Committee on Agri-  
14 culture, Nutrition, and Forestry, and the Committee on  
15 Indian Affairs, of the Senate, so that the results of the  
16 study may be considered by the Committee on Agriculture  
17 of the House of Representatives and the Committee on  
18 Agriculture, Nutrition, and Forestry of the Senate during  
19 the reauthorization of the food stamp program during  
20 1995.

21 **SEC. 104. CONFORMING AMENDMENTS.**

22 (a) Section 908 of the Food, Agriculture, Conserva-  
23 tion, and Trade Act Amendments of 1991 (Public Law  
24 102–237; 7 U.S.C. 2015 note) is repealed.

1 (b) Section 6(c)(4) of the Food Stamp Act of 1977  
 2 (7 U.S.C. 2015(c)(4)) is amended by striking “Any” and  
 3 inserting “Except as provided in paragraph (1)(C), any”.

4 **TITLE II—ACCESS TO RETAIL**  
 5 **FOOD STORES BY FOOD**  
 6 **STAMP HOUSEHOLDS**

7 **SEC. 201. FOOD STAMP ACT DEFINITIONS.**

8 Section 3 of the Food Stamp Act of 1977 (7 U.S.C.  
 9 2012) is amended—

10 (1) in subsection (k)—

11 (A) by striking “means (1) an establish-  
 12 ment” and all that follows through “spices, (2)  
 13 an establishment” and inserting the following:  
 14 “means—

15 “(1) an establishment or house-to-house trade  
 16 route that sells food for home preparation and con-  
 17 sumption and—

18 “(A) offers for sale, on a continuous basis,  
 19 a variety of foods in each of the 4 categories of  
 20 staple foods specified in subsection (u)(1), in-  
 21 cluding perishable foods in at least 2 of the cat-  
 22 egories; or

23 “(B) has over 50 percent of the total sales  
 24 of the establishment or route in staple foods,

1 as determined by visual inspection, sales records,  
2 purchase records, counting of stockkeeping units, or  
3 other inventory or accounting recordkeeping methods  
4 that are customary or reasonable in the retail food  
5 industry;

6 “(2) an establishment”;

7 (B) by striking “section, (3) a store” and  
8 inserting the following: “section;

9 “(3) a store”; and

10 (C) by striking “section, and (4) any pri-  
11 vate” and inserting the following: “section; and  
12 “(4) any private”; and

13 (2) by adding at the end the following new sub-  
14 section:

15 “(u)(1) Except as provided in paragraph (2), ‘staple  
16 foods’ means foods (as defined in subsection (g)) in the  
17 following categories:

18 “(A) Meat, poultry, or fish.

19 “(B) Bread or cereals.

20 “(C) Vegetables or fruits.

21 “(D) Dairy products.

22 “(2) ‘Staple foods’ do not include accessory food  
23 items, such as coffee, tea, cocoa, carbonated and  
24 uncarbonated drinks, candy, condiments, and spices.”.

1 **SEC. 202. PERIODIC NOTICE.**

2 Paragraph (2) of section 9(a) of the Food Stamp Act  
3 of 1977 (7 U.S.C. 2018(a)(2)) is amended to read as  
4 follows:

5 “(2) The Secretary shall issue regulations providing  
6 for—

7 “(A) the periodic reauthorization of retail food  
8 stores and wholesale food concerns; and

9 “(B) periodic notice to participating retail food  
10 stores and wholesale food concerns of the definitions  
11 of ‘retail food store’, ‘staple foods’, ‘eligible foods’,  
12 and ‘perishable foods’.”.

13 **SEC. 203. USE AND DISCLOSURE OF INFORMATION PRO-**  
14 **VIDED BY RETAIL FOOD STORES AND WHOLE-**  
15 **SALE FOOD CONCERNS.**

16 Section 9(c) of the Food Stamp Act of 1977 (7  
17 U.S.C. 2018(c)) is amended—

18 (1) in the second sentence, by inserting after  
19 “disclosed to and used by” the following: “Federal  
20 law enforcement and investigative agencies and law  
21 enforcement and investigative agencies of a State  
22 government for the purposes of administering or en-  
23 forcing this Act or any other Federal or State law  
24 and the regulations issued under this Act or such  
25 law, and”;



1 (2) by inserting after the second sentence the  
 2 following new sentence: “Any person who publishes,  
 3 divulges, discloses, or makes known in any manner  
 4 or to any extent not authorized by Federal law (in-  
 5 cluding a regulation) any information obtained  
 6 under this subsection shall be fined not more than  
 7 \$1,000 or imprisoned not more than 1 year, or  
 8 both.”; and

9 (3) in the last sentence, by striking “Such pur-  
 10 poses shall not exclude” and inserting the following:  
 11 “The regulations shall establish the criteria to be  
 12 used by the Secretary to determine whether the in-  
 13 formation is needed. The regulations shall not  
 14 prohibit”.

15 **SEC. 204. DEMONSTRATION PROJECTS TESTING ACTIVI-**  
 16 **TIES DIRECTED AT TRAFFICKING IN COU-**  
 17 **PONS.**

18 Section 17 of the Food Stamp Act of 1977 (7 U.S.C.  
 19 2026) is amended by adding at the end the following new  
 20 subsection:

21 “(l) The Secretary shall use up to \$4,000,000 of the  
 22 funds provided in advance in appropriations Acts for  
 23 projects authorized by this section to conduct demonstra-  
 24 tion projects in which State or local food stamp agencies  
 25 test innovative ideas for working with State or local law

1 enforcement agencies to investigate and prosecute coupon  
2 trafficking.”.

3 **SEC. 205. CONTINUING ELIGIBILITY.**

4 An establishment or house-to-house trade route that  
5 is otherwise authorized to accept and redeem coupons  
6 under the Food Stamp Act of 1977 (7 U.S.C. 2011 et  
7 seq.) on the day before the date of enactment of this Act  
8 shall be considered to meet the definition of “retail food  
9 store” in section 3(k) of such Act (7 U.S.C. 2012(k)) (as  
10 amended by section 201) until the earlier of—

11 (1) the periodic reauthorization of the establish-  
12 ment or route; or

13 (2) such time as the eligibility of the establish-  
14 ment or route for continued participation in the food  
15 stamp program is evaluated for any reason.

16 **SEC. 206. REPORT ON IMPACT ON RETAIL FOOD STORES.**

17 Not later than 18 months after the date of enactment  
18 of this Act, the Secretary of Agriculture shall prepare and  
19 submit to the Committee on Agriculture of the House of  
20 Representatives and the Committee on Agriculture, Nutri-  
21 tion, and Forestry of the Senate a report on the impact  
22 of the amendments made by sections 201 and 202 on the  
23 involvement of retail food stores in the food stamp pro-  
24 gram established under the Food Stamp Act of 1977 (7  
25 U.S.C. 2011 et seq.), including a description of—

1           (1) the numbers and types of stores that were  
2 newly authorized to participate in the food stamp  
3 program after implementation of the amendments;

4           (2) the numbers and types of stores that were  
5 withdrawn from the food stamp program after im-  
6 plementation of the amendments;

7           (3) the procedures used by the Secretary, and  
8 the adequacy of the procedures used, to determine  
9 the eligibility of stores to participate in the food  
10 stamp program and to authorize and reauthorize the  
11 stores to participate in the food stamp program;

12           (4) the adequacy of the guidance provided by  
13 the Secretary to retail food stores concerning—

14               (A) the definitions of “retail food store”,  
15 “staple foods”, “eligible foods”, and “perishable  
16 foods” for purposes of the food stamp program;  
17 and

18               (B) eligibility criteria for stores to partici-  
19 pate in the food stamp program; and

20           (5) an assessment of whether the amendment to  
21 the definition of “retail food store” under section  
22 3(k) of such Act (as amended by section 201(1)) has  
23 had an adverse effect on the integrity of the food  
24 stamp program.

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